

**RHODE ISLAND DEPARTMENT OF LABOR & TRAINING  
DIVISION OF PROFESSIONAL REGULATION  
MECHANICAL BOARD**

**1511 Pontiac Avenue, Bldg 70, 2nd Floor Conference Room**

**Cranston, RI 02920**

**Wednesday, June 3, 2015**

**In attendance:**

**Dennis Brennan**

**Timothy Byrne**

**Stanley Davies, (Chair)**

**Fred Foeri**

**Steven Gray**

**Bobby Joe Harris**

**Jack King**

**Quinlan T. Regan**

**Charles Wright**

**Board Members Robert J. Eva and Michael Januario were not in attendance.**

**Also in attendance were Nicholas Ranone, Chief Mechanical Investigator; John Shaw, Administrator; and Valentino Lombardi, DLT Legal Counsel.**

**1.) Call to Order: Chair, Stanley Davies called the meeting to order at 9:05am.**

**2.) Minutes of the May 6, 2015 Meeting: Charles Wright made a motion to accept the minutes of May 6, 2015 meeting as presented; seconded by Dennis Brennan and passed unanimously by the Board.**

**3.) Conflict of Interest – Legal Counsel will address the Board concerning compliance with conflict of interest requirements: Val Lombardi, DLT Legal Counsel, reminds board members that they are subject to the RI conflict of interest laws and of their responsibility to disclose conflicts of interest, financial or otherwise, and should recuse from hearing and voting on the matter. Legal Counsel is available for any questions.**

**4.) Violation Appeal Hearings:**

**\*\*Violation 5071 and 5072 pertain to the same incident. Testimony is heard together. Edward Freeman (Violation 5072 respondent) Joshua Orlandi (Violation 5071 respondent) and Nicholas Ranone (Chief Mechanical Investigator) are sworn in for testimony.**

**Mr. Ranone reads the violations 5071 and 5072. Mr. Ranone enters a packet of seven (7) pages (a witness statement, invoice and photographs) as State Exhibit A for both Violation 5071 and 5072. Board members question Mr. Ranone.**

**Joshua Orlandi provides testimony and is questioned by the Board.**

**Ed Freeman provides testimony and is questioned by the Board.**

**Joshua Orlandi – Violation 5071:**

**LOCATION OF VIOLATION: Michael Skoczylas (residence), 151 Blueberry Lane, Charlestown, RI 02813**

**VIOLATION: On 2-5-2015, I, Nicholas Ranone, Chief Mechanical Investigator, received a complaint from Mr. Michael Skoczylas, against Rooter-Man Plumbers (Ed Freeman) for the replacement of copper fin tubing in his baseboard heating that were frozen at the above mentioned location. Mr. Freeman did have his employee, Joshua Orlandi, engage in this replacement. Mr. Orlandi holds a valid RI Master Plumber's license (#MP003517). This license does not allow him to engage in this type of work. Mr. Orlandi would have needed to hold a RI Journeyman or Master Pipefitter's license. After speaking with Mr. Freeman, he did admit to sending Mr. Orlandi to the above mentioned location to take part in that replacement.**

**Mr. Skoczylas did furnish me with a paid invoice from Rooter Man Plumbers stating the replacement of the fin tube radiation, signed by Mr. Orlandi and a written witness statement stating that he did hire Rooter Man Plumbers and Mr. Joshua Orlandi did in fact engage in this work.**

**This is one (1) violation of RIGL 28-27-28 Practices for which a license is required.**

**Pertaining to Violation 5071, Timothy Byrne made a motion that a violation of RIGL 28-27-28, Practices for which a license is required, did occur; seconded by Charles Wright and passed unanimously by the Board.**

**Pertaining to the fine for Violation 5071, Timothy Byrne made a motion to uphold the fine of \$1,500.00; seconded by Charles Wright and Bobby Joe Harris and passed unanimously by the Board.**

**The recommendation will be forwarded to the Director.**

**Rooter Man Plumbers – Ed Freeman – Violation 5072:**

**LOCATION OF VIOLATION: Michael Skoczylas (residence), 151 Blueberry Lane, Charlestown, RI 02813**

**VIOLATION: On 2-5-2015, I, Nicholas Ranone, Chief Mechanical**

Investigator, received a complaint from Mr. Michael Skoczylas, against Rooter-Man Plumbers (Ed Freeman), for the replacement of the copper fin tubing in his baseboard heating that were frozen at the above mentioned location. Mr. Freeman did have his employee, Joshua Orlandi, engage in this replacement. Mr. Orlandi holds a valid RI Master Plumber's license (#MP003517). This license does not allow him to engage in this type of work. Mr. Orlandi would have needed to hold a RI Journeyman or Master Pipefitter's license. After speaking with Mr. Freeman he did admit to sending Mr. Orlandi to the above mentioned location to take part in that replacement.

Mr. Skoczylas did furnish me with a paid invoice from Rooter Man Plumbers stating the replacement of the fin tube radiation, signed by Mr. Orlandi and a written witness statement stating that he did hire Rooter Man Plumbers and Mr. Joshua Orlandi did in fact engage in this work. This is one (1) violation of RIGL 28-27-6 Corporations and firms engaged in business (paragraph 2, section b, unlicensed employee).

Also, no permit was issued from the Town of Charlestown for this installation. This is one (1) violation of RIGL 28-27-20 State and municipal inspections and installation permits.

Two (2) violations at \$1,500.00 each. Total \$3,000.00.

Pertaining to Violation 5072, Charles Wright made a motion that a

**violation of RIGL 28-27-6, Corporations and firms engaged in business and RIGL 28-27-20, State and municipal inspections and installation permits, did occur; seconded by Dennis Brennan and passed unanimously by the Board.**

**Pertaining to the fine for Violation 5072, Charles Wright made a motion to uphold the fine per RIGL 28-27-24; seconded by Dennis Brennan and passed unanimously by the Board.**

**The recommendation will be forwarded to the Director.**

**\*\*Violation 5085, 5086 and 5087 pertain to the same incident (company and employees). Testimony is heard together. Brian Lithway (BDL Heating & Cooling, Inc., Violation 5085 respondent), Daniel Daley (Violation 5086 respondent) and Sean Bernier (Violation 5087 respondent) are sworn in for testimony. Nicholas Ranone, Chief Mechanical Investigator, was previously sworn. Mr. Ranone reads Violation 5085. Mr. Ranone submits a packet of 5 pictures for Violations 5085, 5086 and 5087 and marked Exhibit A. Facts for Violations 5086 and 5087 are the same as 5085. Daniel Dailey, Violation 5086, is a violation of RIGL 28-27-28 Practices for which license required. Sean Bernier, Violation 5087 is a violation of RIGL 28-27-28 Practices for which license required.**

**Board members question Mr. Ranone.**

**Brian Lithway, President of BDL Heating & Cooling, Inc.; Daniel J. Dailey and Sean M. Bernier provide testimony and are questioned by the Board.**

**Brian Lithway – BDL Heating & Cooling, Inc. – Violation 5085:**

**LOCATION OF VIOLATION: Residence remodel, 6 Albro St., Newport, RI 02840**

**VIOLATION: On 3-16-2015, I, Nicholas Ranone, Chief Mechanical Investigator, noticed a cube van with the BDL Heating & Cooling logo parked on Albro St. in Newport, RI. After entering the residence, I approached two (2) employees of BDL Heating & Cooling, Mr. Sean M. Bernier and Mr. Daniel J. Dailey, and asked them what type of work they were engaging in. Both men admitted to installing the duct work in the attic and down thru a chase way to the first floor. Upon going to the second floor, I noticed duct work and hand tools scattered throughout, and also viewed some flex duct installed in the attic and in the walls. Mr. Bernier and Mr. Dailey are not registered apprentices nor do they hold a Sheet metal license with the State of RI. This is one (1) violation of RIGL 28-27-6 Corporations and firms engaged in business (paragraph 2, section b, unlicensed employees).**

**Also, after checking with the Official from the City of Newport, no**

**permit was issued for this particular installation. This is one (1) violation of RIGL 28-27-20 State and municipal inspections and installation permits.**

**Two (2) violations at \$1,500.00 each. Total \$3,000.00.**

**Pertaining to Violation 5085, Charles Wright made a motion that a violation of RIGL 28-27-6 and RIGL 28-27-20 did occur; seconded by Timothy Byrne and passed unanimously by the Board.**

**Pertaining to the fine for Violation 5085, Charles Wright made a motion that, per RIGL 28-27-24, the fine be imposed, seconded by Steve Gray and passed unanimously by the Board.**

**The recommendation will be forwarded to the Director.**

**Daniel J. Dailey – Violation 5086:**

**LOCATION OF VIOLATION: Residence remodel, 6 Albro St., Newport, RI 02840**

**VIOLATION: On 3-16-2015, I, Nicholas Ranone, Chief Mechanical Investigator, noticed a cube van with the BDL Heating & Cooling logo parked on Albro St. in Newport, RI. After entering the residence, I approached two (2) employees of BDL Heating & Cooling, Mr. Sean M.**



**Bernier and Mr. Daniel J. Dailey, and asked them what type of work they were engaging in. Both men admitted to installing the duct work in the attic and down thru a chase way to the first floor. Upon going to the second floor, I noticed duct work and hand tools scattered throughout, and also viewed some flex duct installed in the attic and in the walls.**

**Mr. Dailey does not hold a Sheet Metal license nor is he a registered apprentice with the State of RI.**

**This is one (1) violation of RIGL 28-27-28 Practices for which a license is required.**

**Pertaining to Violation 5086, Timothy Byrne made a motion that a violation of RIGL 28-27-28, Practices for which a license is required, did in fact occur; seconded by Charles Wright and passed unanimously by the Board.**

**Pertaining to the fine for Violation 5086, Timothy Byrne made a motion to uphold the fine of \$1,500.00; seconded by Charles Wright and passed unanimously by the Board.**

**The recommendation will be forwarded to the Director.**

**Sean M. Bernier – Violation 5087:**

**LOCATION OF VIOLATION: Residence remodel, 6 Albro St., Newport, RI 02840**

**VIOLATION: On 3-16-2015, I, Nicholas Ranone, Chief Mechanical Investigator, noticed a cube van with the BDL Heating & Cooling logo parked on Albro St. in Newport, RI. After entering the residence, I approached two (2) employees of BDL Heating & Cooling, Mr. Sean M. Bernier and Mr. Daniel J. Dailey, and asked them what type of work they were engaging in. Both men admitted to installing the duct work in the attic and down thru a chase way to the first floor. Upon going to the second floor, I noticed duct work and hand tools scattered throughout, and also viewed some flex duct installed in the attic and in the walls.**

**Mr. Bernier does not hold a Sheet Metal license nor is he a registered apprentice with the State of RI.**

**This is one (1) violation of RIGL 28-27-28 Practices for which a license is required.**

**Pertaining to Violation 5087, Charles Wright made a motion that a violation of RIGL 28-27-28, Practices for which a license is required did occur; seconded by Steve Gray and passed unanimously by the Board.**

**Pertaining to the fine for Violation 5087, Charles Wright made a motion to uphold the fine relative to RIGL 28-27-24; seconded by Timothy Byrne and passed unanimously by the Board.**

**The recommendation will be forwarded to the Director.**

**\*\*Violations 5090, 5091 and 5092 pertain to the same incident (company and employees). Testimony is heard together. Antonio Freitas is sworn in for testimony. Pedro T. Cruz, responded for Violation 5091; and Jose A. Olivo, respondent for Violation 5092, do not appear. Nicholas Ranone, Chief Mechanical Investigator, was previously sworn. Nicholas Ranone reads Violation 5090 and informs that facts are the same for the employees, Violation 5091 (Pedro T. Cruz for violation of RIGL 28-27-28 Practices for which a license is required, fine \$1,500.00) and Violation 5092 (Jose A. Olivo for violation of RIGL 28-27-28 Practices for which a license is required, fine \$1,500.00).**

**Mr. Ranone submits a package of four (4) photographs, marked State Exhibit A for Violations 5090, 5091 and 5092.**

**Antonio Freitas, JKL Engineering Co., Inc. provides testimony and is questioned by the Board.**

**Respondents Pedro T. Cruz and Jose A. Olivo did not appear for the**

hearing. Nicholas Ranone, Chief Mechanical Investigator, informs the Board the Mr. Cruz and Mr. Olivo were notified of today's hearing and the regular mail has not been returned.

**Antonio Freitas - JKL Engineering Co., Inc. – Violation 5090:**

**LOCATION OF VIOLATION: Andrea L. Restreto (residence) 126 Spring St. Newport, RI 02840**

**VIOLATION: On 3-16-2015, I, Nicholas Ranone, Chief Mechanical Investigator, took notice to two (2) JKL Engineering vans parked on Spring St, Newport, RI. Upon entering the above mentioned location, I proceeded to the attic and witnessed two (2) employees of JKL Engineering Co, Mr. Pedro T. Cruz and Mr. Jose A. Olivo, installing duct work off a hot air furnace in the attic. Mr. Cruz and Mr. Olivo do not hold sheet metal licenses, nor are they registered apprentices with the State of RI which would allow them to do this type of work. This is one (1) violation of RIGL 28-27-6 Corporations and firms engaged in business (paragraph 2, section b, unlicensed employees).**

**Also, after checking with the Newport City Official found that no permit was issued for this particular installation. This is one (1) violation of RIGL 28-27-20 State and municipal inspections and installation permits.**

**Two (2) violations at \$1,500.00 each. Total \$3,000.00.**

**Pertaining to Violation 5090, Timothy Byrne made a motion that a violation of RIGL 28-27-6 Corporations and firms engaged in business and RIGL 28-27-20 State and municipal inspections and installation permits did in fact occur; seconded by Charles Wright and passed unanimously by the Board.**

**Pertaining to the fine for Violation 5090, Timothy Byrne made a motion that the fine of \$3,000.00 be upheld; seconded by Charles Wright and passed unanimously by the Board.**

**The recommendation will be forwarded to the Director.**

**Pedro T. Cruz – Violation 5091: Pedro T. Cruz does not appear. Mr. Cruz was notified of the hearing date by mail and the regular mail has not been returned.**

**LOCATION OF VIOLATION: Andrea L. Restreto (residence) 126 Spring St. Newport, RI 02840**

**VIOLATION: On 3-16-2015, I, Nicholas Ranone, Chief Mechanical Investigator, took notice to two (2) JKL Engineering vans parked on Spring St, Newport, RI. Upon entering the above mentioned location, I proceeded to the attic and witnessed two (2) employees of JKL**

**Engineering Co, Mr. Pedro T. Cruz and Mr. Jose A. Olivo, installing duct work off a hot air furnace in the attic. Mr. Cruz and Mr. Olivo do not hold sheet metal licenses, nor are they registered apprentices with the State of RI which would allow them to do this type of work.**

**This is one (1) violation of RIGL 28-27-28 Practices for which a license is required.**

**Pertaining to Violation 5091, Charles Wright made a motion that a violation of RIGL 28-27-28 Practices for which a license is required did occur; seconded by Timothy Byrne and passed unanimously by the Board.**

**Pertaining to the fine for Violation 5091, Charles Wright, according to RIGL 28-27-24, made a motion that the fine be upheld; seconded by Dennis Brennan and passed unanimously by the Board.**

**The recommendation will be forwarded to the Director.**

**Jose A. Olivo – Violation 5092: Jose A. Olivo does not appear. Mr. Cruz was notified of the hearing date by mail and the regular mail has not been returned.**

**LOCATION OF VIOLATION: Andrea L. Restreto (residence), 126 Spring St., Newport, RI 02840**

**VIOLATION: On 3-16-2015, I, Nicholas Ranone, Chief Mechanical Investigator, took notice to two (2) JKL Engineering vans parked on Spring St, Newport, RI. Upon entering the above mentioned location, I proceeded to the attic and witnessed two (2) employees of JKL Engineering Co, Mr. Pedro T. Cruz and Mr. Jose A. Olivo, installing duct work off a hot air furnace in the attic. Mr. Cruz and Mr. Olivo do not hold sheet metal licenses, nor are they registered apprentices with the State of RI. which would allow them to do this type of work.**

**This is one (1) violation of RIGL 28-27-28 Practices for which a license is required.**

**Pertaining to Violation 5092, Fred Foeri made a motion that a violation of RIGL 28-27-28, Practices for which a license is required did occur; seconded by Charles Wright and passed unanimously by the Board.**

**Pertaining to the fine for Violation 5092, Fred Foeri made a motion to uphold the fine of \$1,500.00; seconded by Dennis Brennan and passed unanimously by the Board.**

**The recommendation will be forwarded to the Director.**

**Philip Rondina Jr –A Colonial Chimney Sweep – Violation 5103: Philip Rondina II is sworn in for testimony. Nicholas Ranone, Chief**

**Mechanical Investigator, was previously sworn and reads the violation.**

**LOCATION OF VIOLATION: Joyce Cushman, 43 Washington St., Wickford, RI 02852**

**VIOLATION: On 4-6-2015, I, Nicholas Ranone, Chief Mechanical Investigator, received a complaint from Mrs. Joyce Cushman against Mr. Philip Rondina Jr, owner / operator of A Colonial Chimney Sweep, Middletown, RI, for the installation of one (1) stainless steel chimney liner that he installed at the above mentioned location.**

**On 4-7-15, I made a site visit to Mrs. Cushman's home to view the work that was done, obtain a written witness statement stating that Mr. Rondina did in fact install the chimney liner. Also, I was given a copy of Mr. Rondina's invoice that he provided to Mrs. Cushman, and a copy of the Mechanical permit that was issued to Mr. Rondina from the Town of No. Kingstown.**

**Mr. Rondina does not hold a DHA (Decorative Heating Appliance) license with the State of RI, which would allow him to engage in this type of installation.**

**Nicholas Ranone submits a packet of 3 documents, a witness statement, an invoice from A Colonial Chimney Sweep and a copy of a Mechanical Permit. The packet is marked State Exhibit A. Mr.**



**Ranone provides testimony and is questioned by the Board.**

**Philip Rondina II provides testimony and is questioned by the Board.**

**Pertaining to Violation 5103, Fred Foeri made a motion that a violation of RIGL 28-27-28 did not occur; seconded by Jack King. In favor were Dennis Brennan, Fred Foeri, Steve Gray, Bobby Joe Harris, Jack King and Quinlan T. Regan. Opposed were Timothy Byrne and Charles Wright. By a vote of 6-2 the motion carries.**

**The recommendation will be forwarded to the Director.**

**End of hearings**

**5.) Old Business - Review of proposed changes to Rules & Regulations and proposed licenses: Not discussed.**

**Other Business:**

**\*\* Nicholas Ranone addressed the Board regarding their request to review out of state applications discussed at the previous meeting. Mr. Ranone inquires as to what applications they would like to review. There is discussion. The Board would like to review any out of state application.**

**\*\* There is discussion regarding Antonio Freitas' unpaid fine on a previous violation.**

**\*\* There is discussion regarding being informed of the recommendations that have been forwarded to the Director. Copies of the signed decision are given to the Chief Investigator and also provided to the Board Chair.**

**6.) Adjournment: Motion to adjourn made by Tim Byrne; seconded by Charles Wright. All were in favor. The meeting adjourned at 10:41am.**